

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CASE NO.: 4:24-CV-334-SDJ

WEARABLE SHOE TREE, LLC,

Plaintiff,

v.

DOES 1-601

Defendant.

EMERGENCY MOTION FOR CONTINUANCE/TO SET BRIEFING SCHEDULE

The Defendant shown on Exhibit A, attached hereto, (collectively, “Defendants”), by and through undersigned counsel, hereby respectfully request that this Court continue the preliminary injunction hearing set for June 3, 2024 at 10:00 am (the “Hearing”), and set a briefing schedule on Plaintiff’s Motion for Entry of Preliminary Injunction [D.E. 7] and, in support thereof, states as follows:

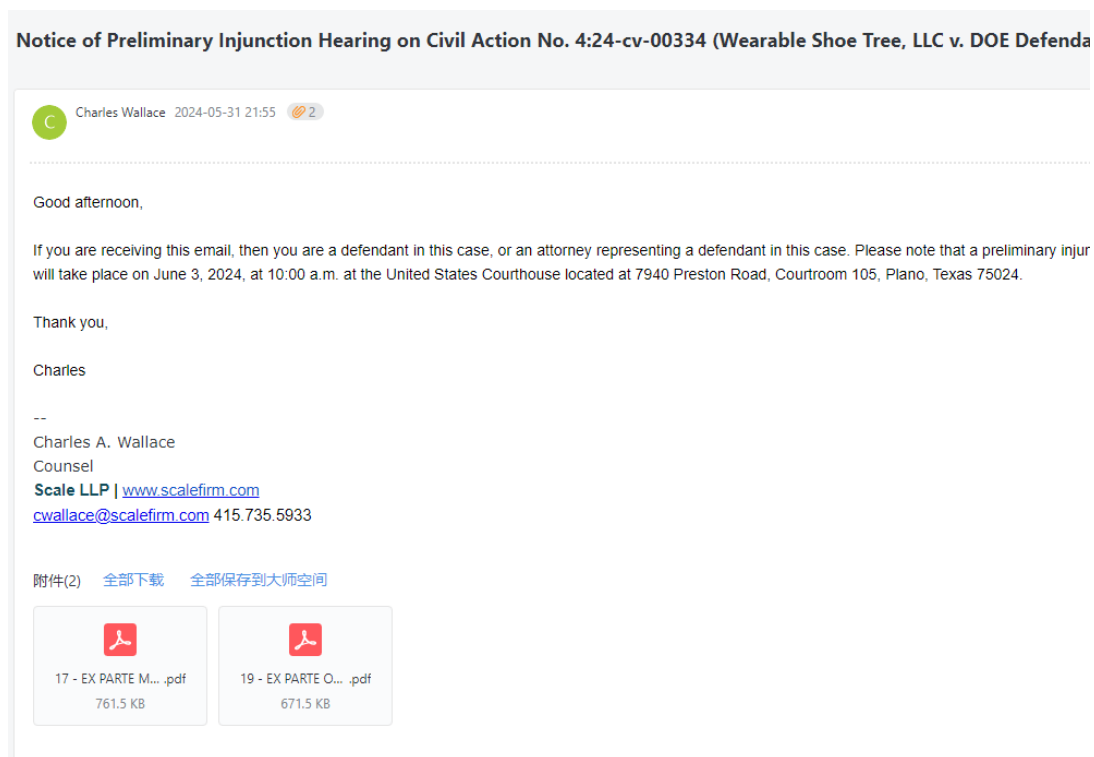
1. Plaintiff filed its Complaint on April 19, 2024, alleging trademark infringement against Defendants. [D.E. 1]. Notably, as the Complaint contains bulk allegations against the defendants therein, the Complaint does not contain any specific statement(s) or allegations of fact against Defendants.

2. On or around April 23, 2024, Plaintiff presumable filed its Motion for Preliminary Injunction. [D.E. 7]. This Motion is currently under seal and is not publicly available on the Court’s docket.

3. Undersigned counsel has recently been retained and has not had the opportunity to discuss with opposing counsel and/or review Plaintiff’s Motion for Preliminary Injunction,

including, without limitation, any evidence contained therein that may relate to Defendants for the purpose of responding in opposition to Plaintiff's Motion for Preliminary Injunction. As a result, Defendants have not had the chance to review the motion in order to ascertain the veracity of Plaintiff's claims and/or allegations, and undersigned counsel needs additional time to review the requisite filings in order to formulate a proper response to Plaintiff's Motion for Preliminary Injunction.

4. The email screenshot below is the only email Defendants have received from Plaintiff to date. The attachment included therewith did not include Plaintiff's Motion for Preliminary Injunction. Plaintiff's email does not constitute valid notice under the FRCP 65(a)(1):



5. In sum, Defendants need sufficient time to review the claims, see if and/or how they apply to Defendants, and confirm the exact basis for Plaintiff's claims in order to properly oppose Plaintiff's Motion for Preliminary Injunction.

6. Furthermore, Defendants' counsel is based in Fort Lauderdale, FL. Thus, not only

is Defendants' counsel unable to appear in person on such short notice, but Defendants further request that the Hearing be conducted via Zoom in order for Defendants' counsel to appear without incurring undue cost and/or expense.

7. Lastly, Defendants' counsel will be unavailable intermittently throughout the month of June (due to preexisting obligations, including, but not limited to, trial), which availability will impact Defendants' ability to defend against Plaintiff's Motion for Preliminary Injunction.

8. For such reasons, this motion is being filed on an emergency basis; should the Court not issue a ruling on this motion prior to the Hearing (as scheduled), Defendants will suffer immediate, irreparable harm due to being stripped of Defendants' ability to properly review and assess the merits of Plaintiff's Motion for Preliminary Injunction.

9. Defendants hereby request a period of time of fourteen (14) days from the date of this filing – up and including June 17, 2024 – to respond to Plaintiff's Motion for Preliminary Injunction.

10. Counsel for Defendants has attempted to meet and confer with Plaintiff's counsel regarding the relief sought via this motion. Plaintiff's counsel has not responded to undersigned counsel regarding whether Plaintiff consents or denies the relief sought herein.

WHEREFORE, for good cause shown, Defendants request that the Court grant this Motion and allow Defendants up to and including June 17, 2024, to file a response to Plaintiff's Motion for Preliminary Injunction.

Local Rule CV-7(h) Certification

Counsel for Defendants has attempted to meet and confer with Plaintiff's counsel regarding the relief requested herein. Plaintiff's counsel has not responded to Defendants' counsel attempts (see **Exhibit A**). Plaintiff's counsel has not provided a response to whether Plaintiff opposes or consents to the relief requested herein.

June 2, 2024

Respectfully submitted.

HEITNER LEGAL, P.L.L.C

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By: 

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2024, a true and correct copy of the foregoing was electronically filed using CM/ECF, which serves electronic notice on all counsel of record and registered CM/ECF users.

By: 

DARREN A. HEITNER

Schedule A

yzg A26YSAKOMKFIM5
Gircss Direct. A1NYRITZGAQB8F
AHAOIN A324CMTGGSVBAZL
GodbL A1YBWV3F72ZC8I
GOOUDO-US A2XBFH4UCTRKZM
GOOUDO 10001194824
kemirui ANFCPT2T775IB
rorpove A9MNKFAK45E26
VITKSTAR store A1SPJUX0A8D7A8
VEER HOME & LIVING 2834183249
VoMii Health Direct US A3992N65F7CFV0
Vquand US A1GCXN2ZISSLKW
Vsonker US A2TPU0TF6RZLCS
bishicheng ACF0VE6I9NKNN
nancyluo123 ARXSXLWLZ6J10
YOLOPARK A3FALZ22TJ0JC6
AMZ-Designs AGWCBBFD5RH6P
companion
Foot companions Shop/ QingXin Daily Necessities 5683415034791
QingXin Daily Necessities 321091538249
zudun A1UBO4JE5QIDR2
aolantai AUQWPJ3QAPGFD
Aolantai 101082659
YoGus Electric A9MLKAKO9K639
Wenanbeino AP0XLF8SQSXGG
BBTO A3EPDNLGP3TT17
FootForma - 2189986